

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JAMES CRUZ,

Petitioner,

-against-

18 CIVIL 10713 (AT)(SN)

**JUDGMENT**

RAY COVENY, Superintendent of the Elmira  
Correctional Facility,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated February 6, 2023, the Court has OVERRULED Petitioner's objection to the R&R; ADOPTED the R&R's conclusions as to the petition; and DENIED the petition. The Court has REJECTED the R&R's recommendation that the Court certify that "any appeal from the order would not be taken in good faith" pursuant to 28 U.S.C. § 1915(a)(3); accordingly, the case is closed.

**Dated:** New York, New York

February 6, 2023

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. Mango*

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**Deputy Clerk**